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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/735,833

12/16/2003

Brian D. Schneeberg

33010-000002/US

5444

30593 7590 01/11/2007
HARNESSE, DICKEY & PIERCE, P.L.C.
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EXAMINER

TERMANINI, SAMIR

ART UNIT

PAPER NUMBER

2178

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/735,833

Applicant(s)

SCHNEEBERG, BRIAN D.

Examiner

Samir Termanini

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/16/2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>N/A</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

BACKGROUND

1. This action is responsive to the following communications: Application filed on 12/16/2003.
2. Claims 1-13 are pending in this case. Claims 1 and 8 are in independent form.

CLAIM REJECTIONS - 35 U.S.C. §112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5 and 12 recites the limitation "said data mining section" in the third line of each claim, respectively. There is insufficient antecedent basis for these limitations in the claim.
5. With further regard to dependent claims 5 and 12, the phrase "such" renders the claim indefinite because it is unclear: (1) whether the limitation following the phrase is exemplary; and further (2) how the limitation is required of the claimed invention. For example, does "such data mining," in claim 5, refer to the "data mining section" that uses "said information" in claim 5? Or does "such data mining" refer to the "data mining on user preferences and interests" of claim 4? *See* MPEP §2173.05(d); *See also* MPEP §2173.02.

CLAIM REJECTIONS - 35 U.S.C. §102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an

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application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-13, are rejected under 35 U.S.C. 102(e) as being anticipated by *Wolton et al.* (Pre-Grant Pub. US 2004/0030741 A1).

As to independent claim 1, *Wolton et al.* teach a system ("...server[or] desktop or laptop computer..." para. [0294]) for visualizing ("...graphical representation..." para. [0511]) comprising: categorized information (e.g. "finite set of topic categories" para. [0433]) a control unit operable to control the storage of a collection of graphical user elements and at least one background image ("the agent collects and saves to a local database predetermined types of documents. Documents can [sic] images, or music files or video, or text files or software application executables, or postscript documents, or any other specified file types of documents which are either present within or linked to the web page or network database under consideration for selective collection." para. [0060]). *Wolton et al.* illustrate the graphical user elements and background image in Fig. 18f, reproduced hereunder:

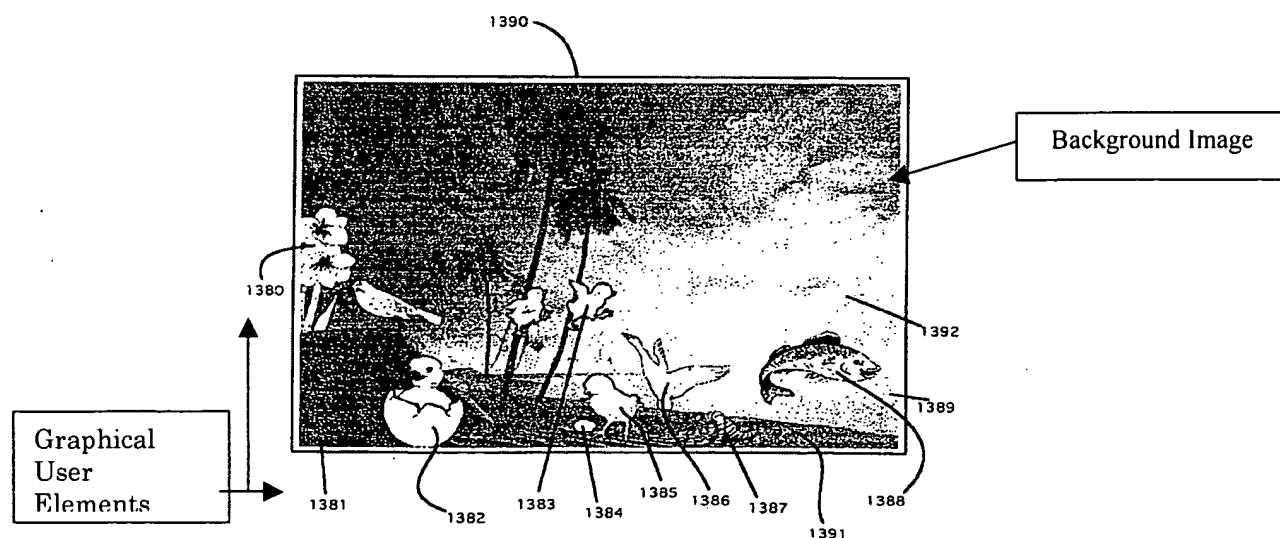


FIG. 18f

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Also expressly disclosed is the control of the display of the graphical user elements within the image to provide a user with a current status of a given information category associated with the element ("The environment is selected and cast according to user preference, and changes in the environment metaphorically correspond to changes in the sources of information or information applications which are mapped to the environmental object features or attributes." para. [0542])(emphasis added). *Wolton et al.* disclose that the status a information category associated with the element is what the visual indicator is conveying to the user ("...environmental representation [of a graphical] element[s] associative changes as categorization..." para. [0557]). Furthermore, the current status of a given information category is taught to be indicated through visual metaphoric changes ("[w]hen the information source changes, as reported by an update agent, the corresponding element in the metaphorical environment [sic] undergoes some related metaphorical change." para. [0549]). A specific example of the control of the display of the graphical user elements within the image is when "[a] bird or fish have a changed size, coloration or even shape, these can become user recognizable indicators of certain types of new information." (para. [0551]). Finally, *Wolton et al.* expressly discloses the information categories, *inter alia*, being based on selected user criteria ("...classifications of category are made according to [e.g.] arbitrary user chosen relevance and interest..." para. [0512] to [0513])(emphasis added).

As to dependent claim 2, *Wolton et al.* further teach the system as in claim 1 wherein the criteria comprises time ("Users can assign different templates on a time scheduled basis to be used and active as defaults according to different times of the day, or times of the week, or in different months, or according to different seasons of the year" para. [0524]; *see also* ("which information represents items of time sensitive interest to the user according to user interest preferences." para. [0585])).

As to dependent claim 3, *Wolton et al.* further teach the system as in claim 1 further comprising a dashboard operable to configure categories and user preferences ("display control panel window for inputting search terms, link test terms, metric terms, and search mode set up." Para. [0101]; *See also* "The user either has previously or currently specifies and selects in the preferences of the integrated agent system. These preferences determine what particular Web or database or intranet element of text, documents or content media, or types thereof, are of interest to the user." para. [0051]; *See also* "The FIG. 9 "Operations" 272 sub-window provides a series-of check boxes that can select different preferences for the operations of the agent." para. [0702])

As to dependent claim 4, *Wolton et al.* further teach the system as in claim 1 further comprising a data mining unit ("Data Mining Agents" para. [1160])(emphasis added) operable to perform data mining on user preferences and interests ("The present invention includes the capability of having search and retrieval agents configured to watch a particular users browsing and uploading or downloading and email activities over an ISP and gather behavioral and content identification data based on stored preferences...." para. [0216]; *See also* "The agents are adaptive by developing a database profile of user habits and activities in order to anticipate, suggest, and autonomously reproduce user control behavior based on manually set user preferences." para. [0218])(emphasis added).

As to dependent claim 5, *Wolton et al.* further teach the system as in claim 4 further comprising at least one database operable to store a plurality of process information ("...the agent collects and saves to a local database predetermined types of documents. Documents can images, or music files or video, or text files or software application executables, or postscript documents, or any other specified file types of documents which are either present within or linked to the web page or network database under consideration for selective collection..." para. [0060]), said information at least used by said data mining section to perform such data mining. ("The present

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invention includes the capability of having search and retrieval agents configured to watch a particular users browsing and uploading or downloading and email activities..." para. [0216]).

As to dependent claim 6, *Wolton et al.* further teach the system as in claim 1 further comprising a collaboration unit ("a peer-to-peer agent collaboration network and network collaboration management meta-agents..." para. [1240]; See also "A plurality of search agents in a peer-to-peer collaboration network can be deployed where the agent instructions are broadcast to all other peer client computer agent runtime facilities...distributed between the agents running on each peer collaborator computer. " para. [1245]) operable to enable an exchange of information between a user and a relationship ("...retrieval and collection, analysis and interpretation...notification, presentation and delivering of textual information and media content data sets. These data sets are distributed on a plurality of computers on a network." para. [0049]; *See also* i.e. "Reading from the Party One 1750 across their centric agent collaborative virtual space between themselves and any destination or other Party Two 1760. " para. [1106]). Additionally see Fig. 12d reproduced below (showing various types of information exchanges between a user and relationship type):

The Virtual Co-location Interface Paradigm

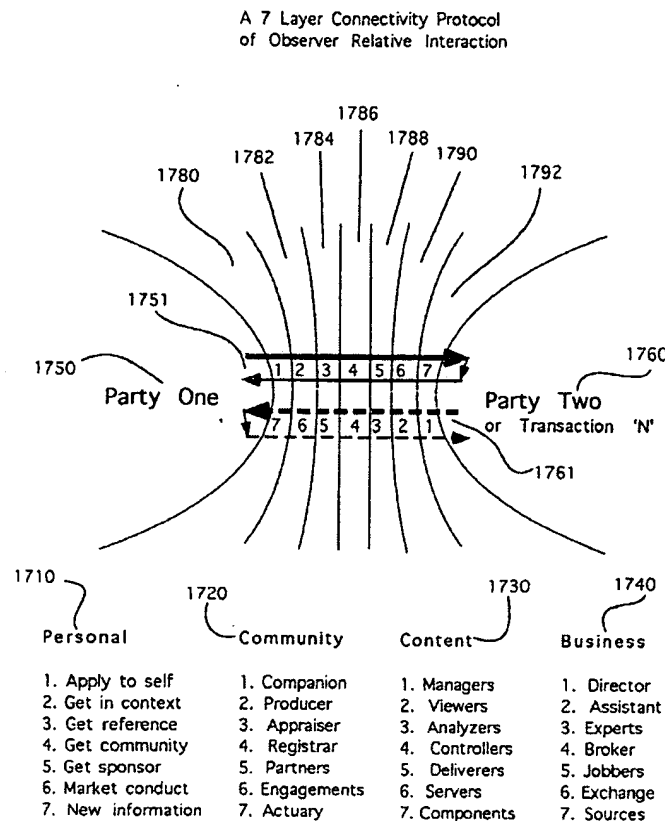


FIG. 12d

As to dependent claim 7, *Wolton et al.* further teach the system as in claim 1 wherein the image comprises a screen saver ("One of the alternate modes of operating the agent system after an agent activity and control configuration has been set up, is to launch the agent as a Screensaver..." para. [0220]; *See also* "simultaneously displayed as a screensaver while the user is not working on the computer or web device interface." para. [0059]; *See also* "autonomously, such as automatic activated screensavers." para. [0088] *See also* "launch in screen-saver mode." para. [0143]; *See also* "an online 'productivity screensaver', " para. [0204]; *See also* "Each of the browser based 516 or other application based 514 agent interfaces can be activated in screen saver module format 492, if desired by the user. " para. [0283])

As to independent claim 8, *Wolton et al.* teach a method ("...server[or] desktop or laptop computer..." para. [0294]) for visualizing ("...graphical representation..." para. [0511]) comprising: categorized information (e.g. "finite set of topic categories" para. [0433]) controlling the storage of a collection of graphical user elements and at least one background image ("the agent collects and saves to a local database predetermined types of documents. Documents can images, or music files or video, or text files or software application executables, or postscript documents, or any other specified file types of documents which are either present within or linked to the web page or network database under consideration for selective collection." para. [0060]) controlling of the display of the graphical user elements within the image to provide a user with a current status of a given information category associated with the element ("The environment is selected and cast according to user preference, and changes in the environment metaphorically correspond to changes in the sources of information or information applications which are mapped to the environmental object features or attributes." para. [0542]). *Wolton et al.* disclose that the status a information category associated with the element is what the visual indicator is conveying to the user ("...environmental representation [of a graphical] element['s] associative changes as categorization..." para. [0557]). Furthermore, the current status of a given information category is taught to be indicated through visual metaphoric changes ("[w]hen the information source changes, as reported by an update agent, the corresponding element in the metaphorical environment [sic] undergoes some related metaphorical change." para. [0549]). A specific example controlling the display of the graphical user elements within the image is when "[a] bird or fish have a changed size, coloration or even shape, these can become user recognizable indicators of certain types of new information." (para. [0551]). Finally, *Wolton et al.* expressly discloses, inter alia, the information categories being based on selected user criteria

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("...classifications of category are made according to [e.g.] arbitrary user chosen relevance and interest..." para. [0512] to [0513]).

As to dependent claim 9, *Wolton et al.* further teach the method as in claim 8 wherein the criteria comprises time ("Users can assign different templates on a time scheduled basis to be used and active as defaults according to different times of the day, or times of the week, or in different months, or according to different seasons of the year" para. [0524]; *see also* ("which information represents items of time sensitive interest to the user according to user interest preferences." para. [0585]).

As to dependent claim 10, *Wolton et al.* further teach the method as in claim 8 further comprising configuring categories and user preferences ("The user either has previously or currently specifies and selects in the preferences of the integrated agent system. These preferences determine what particular Web or database or intranet element of text, documents or content media, or types thereof, are of interest to the user." para. [0051]; *See also* "The FIG. 9 "Operations" 272 sub-window provides a series of check boxes that can select different preferences for the operations of the agent." para. [0702])

As to dependent claim 11, *Wolton et al.* further teach the method as in claim 8 further comprising performing data mining ("Data Mining Agents" para. [1160])(emphasis added) on user preferences and interests ("The present invention includes the capability of having search and retrieval agents configured to watch a particular users browsing and uploading or downloading and email activities over an ISP and gather behavioral and content identification data based on stored preferences...." para. [0216]; *See also* "The agents are adaptive by developing a database profile of user habits and activities in order to anticipate, suggest, and autonomously reproduce user control behavior based on manually set user preferences." para. [0218])(emphasis added).

As to dependent claim 12, *Wolton et al.* further teach the method as in claim 11 further comprising storing a plurality of process information ("...the agent collects and saves to a local database predetermined types of documents. Documents can images, or music files or video, or text files or software application executables, or postscript documents, or any other specified file types of documents which are either present within or linked to the web page or network database under consideration for selective collection..." para. [0060]), said information at least used by said data mining section to perform such data mining. ("The present invention includes the capability of having search and retrieval agents configured to watch a particular users browsing and uploading or downloading and email activities..." para. [0216]).

As to dependent claim 13, *Wolton et al.* further teach the method as in claim 8 further comprising exchanging information between a user and relationship ("...retrieval and collection, analysis and interpretation...notification, presentation and delivering of textual information and media content data sets. These data sets are distributed on a plurality of computers on a network." para. [0049]; *See also* i.e. "Reading from the Party One 1750 across their centric agent collaborative virtual space between themselves and any destination or other Party Two 1760. " para. [1106]; *See also* "a peer-to-peer agent collaboration network and network collaboration management meta-agents..." para. [1240]; *See also* "A plurality of search agents in a peer-to-peer collaboration network can be deployed where the agent instructions are broadcast to all other peer client computer agent runtime facilities...distributed between the agents running on each peer collaborator computer. " para. [1245]; *See also* information exchanges between a user and various relationship types, Fig. 12d).

CONCLUSION

8. Although not relied upon, the following prior art is made of record because it considered pertinent to applicant's disclosure:

- [1] *Henderson et al.* (US Pat. No. 5,072,412) for teaching workspaces provided by an object-based user interface appearing to share windows and other display objects. Each workspace's data structure includes, for each window in that workspace, a linking data structure called a placement which links to the display system object which provides that window, which may be a display system object in a preexisting window system.
- [2] *Hollander, Frank T.* (US Pat. No. 5,652,850) for teaching automatically configuring graphical user interface display panels comprising buttons for representing groups, or suites, of related items in a visually attractive manner where a panel creation engine processes a series of script files to determine, for each group of related items to be displayed as a single suite, an appropriate background template or preprocessed background bitmap and an appropriate button template to be used in representing the suite on the display.
- [3] *Bertram et al.* (US Pat. No. 5,818,446) for teaching detecting the contents of data to be displayed and, responsive thereto, for changing the user interface selected for display and use.
- [4] *Cox et al.* (US Pat. No. 6,023,273) for teaching a user interface for a desktop workspace with a background containing one or more sets of interactive graphical elements arranged in respective repeating patterns. Each of the graphical elements of the one or more sets is responsive to user input for performing various functions associated with one or more application programs. The graphical elements of the one or more sets may change appearances in response to changes in status of one or more of the application programs.
- [5] *De Boor et al.* (US Pat. No. 6,317,781 B1) for teaching data presented to the user via an interface via markup language-based pages to enhance the navigational, logical, and display capabilities of conventional HTML, and particularly adapt HTML to be displayed and used on wireless communication devices with small screen displays.
- [6] *Burns, Kevin S.* (US Pat. No. 6,460,040 B1) for teaching a multimedia authoring system for use in developing and maintaining user interface screens to be customized quickly and easily within wide limits of variation using the methods of object oriented programming to define specialized object classes for instantiation on individual interface screens subject to pre-defined limitations on variability.

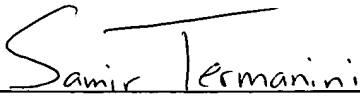
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- [7] *Resner et al.* (US Pg-Pub. 2003/0076369 A1) for teaching the display, or presentation, of electronic information in an ambient, or pre-attentive, form, a centralized server converts textual or quantitative data into a form suitable for remotely located non-textual ambient displays, or objects. The conversion, or translation, of the information occurs in response to a set of rules which may be fixed at the server, or otherwise modifiable by a user of the display, for example via Web-based interface, or at the display itself.

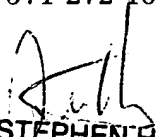
9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini whose telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 4 P.M., Monday through Friday (excluding alternating Fridays).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Samir Termanini
Patent Examiner
Art Unit 2178


STEPHEN HONG
SUPERVISORY PATENT EXAMINER